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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WILLIE IVY,

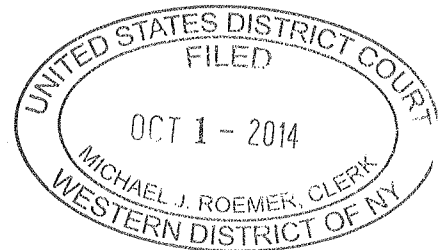
Petitioner,

-v-

SANDRA DOLCE,

Respondent.

DECISION AND ORDER
13-CV-0627Sc



On June 17, 2013, petitioner, Willie Ivy, filed a second or successive petition for a writ of habeas corpus, see 28 U.S.C. § 2244(b), which this Court transferred to the United States Court of Appeals for the Second Circuit. See *Liriano v. United States*, 95 F.3d 119 (1996). (Docket No. 3.) On August 19, 2013, the Second Circuit entered an Order denying petitioner's application to allow this Court to consider a second or successive petition and a Mandate was issued on October 1, 2013. (Docket No. 5.) Petitioner filed a motion with the Second Circuit to alter or amend its order and it was rejected. (Docket No. 6, Motion to Vacate, Declaration in Support, Exh. C.) A petition for a writ of mandamus was filed with the Supreme Court of the United States and it too was rejected. (*Id.*, Exh. D.)

Petitioner next filed a motion, pursuant to Fed.R.Civ.P. 60(b), to vacate this Court's Order transferring the petition to the Second Circuit (Docket No. 6) and an application to proceed *in forma pauperis*. That motion to vacate was denied

(Docket No. 8), and petitioner's notice of appeal from that denial was dismissed by the Second Circuit (Docket No. 12.)

Petitioner has now filed a Declaration seeking again to vacate this Court's initial Order transferring his petition to the Second Circuit and all subsequent orders and proceedings herein. For the reasons previously set forth in the Court's denial of petitioner's first motion to vacate (Docket No. 8) and because there is no basis in law or fact for the instant motion, it is denied.

Petitioner was warned in the Order denying his first motion to vacate (Docket No. 8) that if he continued to file additional baseless motions in this Court in relation to this matter, he could face sanctions from the Court. At this time, petitioner is prohibited from filing any further or additional motions or documents of any kind in this matter and the Clerk of the Court is directed to reject any additional filings from petitioner in this matter and return them to him immediately upon submission with a copy of this Order.

IT IS HEREBY ORDERED that petitioner's Declaration (Docket No. 13) seeking to vacate the Court's Order, filed July 1, 2013 (Docket No. 3), and all subsequent orders and proceedings herein is denied.

IT IS SO ORDERED.



HONORABLE RICHARD J. ARCARA
DISTRICT JUDGE
UNITED STATES DISTRICT COURT

Dated: Oct, 1, 2014